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JS-6

Attorneys for Plaintiff  
Vertical Doors, Inc.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Vertical Doors, Inc.	)	SA CV 05-905 JVS (ANx)
Plaintiff,	)	consolidated with
v.	)	<b><u>CV 06-4972 JVS (ANx)</u></b>
J T BONN, INC., et al.,	)	<b>JUDGMENT PURSUANT TO RULE 54(b)</b>
Defendants.	)	Honorable James V. Selna
	)	Jury Verdict:: June 30, 2008

The Court finds that pursuant to Rule 54(b) of the Federal Rules of Civil Procedure as to the parties and claims set forth below, there is no just reason for delay in the entry of judgment. Accordingly, Judgment in the above-captioned consolidated actions is entered as follows:

**1. KW Automotive North America, Inc.**

a) On Vertical Doors, Inc.'s ("VDI") claim of infringement of Claims 1-3 of United States Patent No. 6,845,547 ("the '547 Patent") against KW Automotive North America, Inc. ("KW"), judgment of non-infringement is entered in favor of KW.

1           b) On KW's counterclaim of non-infringement of  
2 Claims 1-3 of the '547 Patent, judgment of non-infringement  
3 is entered in favor of KW.

4           c) On KW's counterclaim of invalidity, the  
5 counterclaim is moot and dismissed without prejudice as a  
6 result of the determination of patent non-infringement, so  
7 as to be preserved in the event the determination of non-  
8 infringement in favor of KW is reversed, vacated, or  
9 otherwise altered (See *Liquid Dynamics Corp v. Vaughan*  
10 *Company, Inc.*, 355 F.3d 1361, 1370-71 (Fed. Cir. 2004)).

11           d) KW and VDI are each to bear their own costs  
12 and attorney fees.

13           **2. Dayton Imports Customs, LLC**

14           a) The Court retains jurisdiction over defendant  
15 Dayton Imports Customs, LLC, an Ohio limited liability  
16 company, dba Recon Engineering, to allow VDI to apply for  
17 default judgment based upon the Clerk's entry of Default  
18 [Dkt. No. 45].

19           **3. J T Bonn, Inc., Tony Yip, Bill Yip, and John Yip**

20           On Vertical Doors, Inc.'s ("VDI") claims of infringement  
21 of Claims 8-10 of United States Patent No. 6,845,547 ("the  
22 '547 Patent") and claims of infringement of Claims 1-3 and  
23 6-25 of United States Patent No. 7,059,655 ("the '655  
24 Patent"), and claims of unfair competition under Cal. Bus. &  
25 Prof. § 17200 et. seq., all against J T Bonn, Inc., Tony  
26 Yip, Bill Yip, and John Yip (collectively "the JT  
27  
28

1 Defendants"), judgment is entered in favor of VDI and  
2 against the JT Defendants as follows:

3 a) J T Bonn, Inc., Tony Yip, Bill Yip, and John  
4 Yip (the JT Defendants), are jointly and severally liable to  
5 Vertical Doors, Inc. (VDI) in the amount of \$151,696.00,  
6 plus attorneys fees in the amount of \$416,897.17, plus pre-  
7 judgment interest in the amount of \$59,076.96, plus post-  
8 judgment interest at the rate of 0.69 percent per annum (the  
9 one year constant Treasury maturity yield for February 23,  
10 2009 as Reported by the Federal Reserve Board of Governors  
11 at <http://www.federalreserve.gov/releases/h15/Current/>),  
12 plus costs in the amount of \_\_\_\_\_.

13 b) The JT Defendants literally infringed Claims  
14 8-10 of the '547 Patent; the infringement was not willful.

15 c) Claims 8-10 of the '547 Patent are not  
16 invalid.

17 d) The JT Defendants literally infringed Claims  
18 1-3 and 6-25 of the '655 Patent; the infringement was not  
19 willful.

20 e) Claims 2-3, 6-8, 10-21, and 24-25 of the '655  
21 Patent are not invalid.

22 f) Claims 1, 9, 22, and 23 of the '655 Patent are  
23 not invalid under 35 U.S.C. § 102(b) or 35 U.S.C. § 103.

24 g) The Court granted a new trial as to the jury's  
25 determination of invalidity of Claims 1, 9, 22, and 23 of  
26 the '655 Patent under 35 U.S.C. § 102(a). By tender of the  
27 present form of Judgment, VDI requests that the Court

1 dismiss these claims without prejudice, and the Court does  
2 so.

3 h) Judgment is entered in favor of VDI on VDI's  
4 claims against the JT Defendants for violation of Cal. Bus.  
5 & Prof. § 17200 et seq.

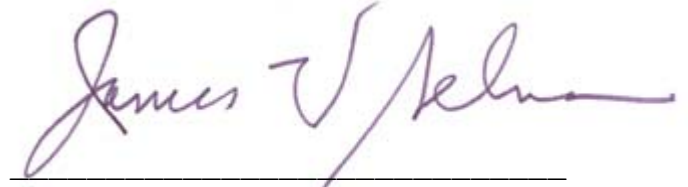
6 i) The JT Defendants are ordered to provide an  
7 accounting and allow inspection of JT EVO Doors door hinges  
8 and Reverse Lambo Doors door hinges as set forth in this  
9 Court's Minute Orders entered December 15, 2008 [Dkt. No.  
10 468 in SA CV 05-905 JVS (ANx) and Dkt. No. 113 in SA CV 06-  
11 4972 JVS (ANx)], including the 10,834 EVO Doors door hinges  
12 and 260 Reverse Lambo Doors door hinges referenced in the  
13 Court's aforementioned December 15, 2008 Minute Orders.

14 j) Until the compensatory award of \$151,696.00  
15 set forth in paragraph 3(a) above is either paid to Vertical  
16 Doors, Inc. (payable to "Vista IP Law Group Client Trust  
17 Account"), or bond is posted thereon, the JT Defendants are  
18 enjoined from making, using, selling, or offering to sell in  
19 the United States, and importing into the United States, EVO  
20 Doors door hinges and Reverse Lambo Doors door hinges. *Union*  
21 *Tool Co. v. Wilson*, 259 U.S. 107, 113-114, 42 S. Ct. 427, 66 L.  
22 Ed. 848 (1922); *Birdsell v. Shaliol*, 112 U.S. 485, 488-489, 5 S.  
23 Ct. 244, 28 L. Ed 768 (1884); *Stickle v. Heublein, Inc.*, 716 F.2d  
24 1550, 1563 (Fed. Cir. 1983).

25 k) Once the compensatory award of \$151,696.00 set  
26 forth in paragraph 3(a) above is paid, as evidenced by a  
27 partial satisfaction filed with the Court (or upon proof by  
28

1 motion), the JT Defendants are enjoined from making, using,  
2 selling, or offering to sell in the United States, and  
3 importing into the United States, EVO Doors door hinges and  
4 Reverse Lambo Doors door hinges that are not accounted for  
5 as having been part of the 10,834 EVO Doors door hinges or  
6 260 Reverse Lambo Doors door hinges referenced in paragraph  
7 3(i) above and in the Court's aforementioned December 15,  
8 2008 Minute Orders.

9  
10 **DATED: March 04, 2009**

A handwritten signature in purple ink, reading "James V. Selna", is written over a horizontal line.

Honorable James V. Selna  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, I served the foregoing document described as **[PROPOSED] FINAL JUDGMENT SUBMITTED BY VERTICAL DOORS, INC.** to all parties to this action as set forth below, on the date set forth below, in the manner(s) checked below.

- ☒ By the Court's ECF system
- ☐ By mail service to their attorney(s) of record, at the following address(es), on the date set forth below.
- ☐ By e-mail service to their attorney(s) of record, at the following email address(es), on the date set forth below.
- ☐ By fax service to their attorney(s) of record, at the following fax number(s), on the date set forth below.

**Counsel for JT Bonn; Tony Yip; Bill Yip; John Yip**

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Executed December 29, 2008, Irvine, California.

/nmcohen/